

**UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF NORTH CAROLINA**

In Re:)	
)	
Moore, Martin Vance	xxx-xx-5472	
Moore, Janine Hall	xxx-xx-8777	Case No. 17-10731 C-13G
206 Lucan Drive)	
Greensboro, NC 27406)	
)	
Debtors.)	

**MOTION PURSUANT TO F.B.R. 3002.1(h)
FOR DETERMINATION OF FINAL CURE PAYMENT
AS TO CLAIM 6 OF U.S. BANK, N.A.**

NOW COMES, Anita Jo Kinlaw Troxler, Trustee, pursuant to F.B.R. 3002.1(h) and requests that a hearing be held to determine whether the Debtors have cured the mortgage default and paid all required post-petition amounts on mortgage Claim 6 of U.S. Bank, N.A., (“Creditor”) and in support of the Motion shows the Court as follows:

1. The Chapter 13 Plan in this case was confirmed September 18, 2017, and pursuant to the terms of the Order confirming the plan, the holder of the mortgage claim is to be paid as a secured continuing long term debt claimant through the disbursements by the Trustee with a regular monthly payment effective with the payment for October 2017 and arrearage on the account through September 2017 to be paid as a separate claim. The current holder of the mortgage claim is U.S. Bank, N.A., Claim 6 (“Creditor”).
2. The Trustee disbursed a total in regular monthly payments on Claim 6 of \$50,999.39 which the Trustee is informed and believes represents the total monthly payments due on the account for the period of October 2017 through and including the monthly payment for August 2022 and a total of \$11,184.77 was disbursed on the arrearage claim representing total arrearage on the account through and including the payment for September 2017.
3. The total of \$50,999.39 in regular monthly payments represents \$37,390.94 disbursed to Wells Fargo Bank, N.A., the prior holder of the mortgage claim, representing the payments for October 2017 through and including the payment for April 2021 and \$13,608.45 to U.S. Bank, N.A., the current holder of the mortgage claim, for May 2021 through August 2022.
4. The total in arrearage payments of \$11,184.77 represents a total of \$7,374.04 disbursed to Wells Fargo Bank, N.A., the prior holder of the mortgage claim, and \$3,810.73 disbursed to U.S. Bank, N.A., the current holder of the mortgage claim.
5. The Trustee filed a Notice of Final Cure Payment in reference to Claim 6 on August 12, 2022.

6. On August 16, 2022, the Creditor filed a Response to Notice of Final Cure Payment (“Response”) pursuant to F.B.R. 3002.1(g) in reference to Claim 6 stating the mortgage was due for August 1, 2022.
7. The Trustee is unable to determine the basis for the statement in the Response that the mortgage account is due for August 1, 2022.
8. It is the position of the Trustee that the Creditor has received all payments in the manner required under the plan through and including the month of August 2022 based on the disbursements by the Trustee.

WHEREFORE, the Trustee requests that a hearing be held to determine whether the Debtors have paid all payments to the Creditor in the manner required under the plan through the month of August 2022 based on the disbursements by the Trustee with payments paid directly by the Debtors to credit to payments due September 2022 and that the Creditor and any successors be prohibited from assessing any defaults or charges arising prior to September 2022.

Date: August 22, 2022

s/Anita Jo Kinlaw Troxler

Standing Trustee

P.O. Box 1720

Greensboro, NC 27402-1720

(336) 378-9164

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CERTIFICATE OF SERVICE

THIS IS TO CERTIFY that on the below date, the undersigned served a copy of the **MOTION PURSUANT TO F.B.R. 3002.1(h) FOR DETERMINATION OF FINAL CURE AND PAYMENT AS TO CLAIM 6 OF U.S. BANK, N.A.,** by depositing the same, enclosed in a postpaid wrapper, properly addressed to the following parties in interest, at their last known addresses as shown below, in a post office or official depository under the exclusive care and custody of the United States Postal Service:

JANINE HALL MOORE
206 LUCAN DRIVE
GREENSBORO NC 27406

MARTIN VANCE MOORE
206 LUCAN DRIVE
GREENSBORO NC 27406

JOHN T ORCUTT ESQ
6616-203 SIX FORKS ROAD
RALEIGH NC 27615

EDWARD BOLTZ ESQ
LAW OFFICES OF JOHN T ORCUTT
1738-D HILLANDALE ROAD
DURHAM NC 27705

US BANK NA
C\O RUSHMORE LOAN MANAGEMENT
SERVICES PO BOX 55004
IRVINE CA 92619-2708

MARK A BAKER
MCMICHAEL TAYLOR GRAY LLC
3550 ENGINEERING DRIVE SUITE 260
PEACHTREE CORNERS GA 30092

Date: August 22, 2022

s/ Pearleen Wimbush
Chapter 13 Office
Greensboro, North Carolina